DOCUMENT RESUME

ED 395 400 EC 304 791

AUTHOR Bard, Joseph F.
TITLE Placement of Special Education Students--Inclusion Policy. Basic Education Circulars 2-95.
INSTITUTION Pennsylvania State Dept. of Education, Harrisburg.
REPORT NO BEC-2-95
PUB DATE Jan 95
NOTE 9p.; The Inclusion Checklist contained here is also in ED 367 087.
PUB TYPE Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Tests/Evaluation Instruments (160)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Disabilities; *Educational Policy; Elementary Secondary Education; *Inclusive Schools; Mainstreaming; *State Departments of Education; State Programs
IDENTIFIERS *Pennsylvania

ABSTRACT

This circular outlines the inclusion policy of the Pennsylvania Department of Education. Inclusion is defined as a combination of long-standing "least restrictive environment" policies, with an emphasis on active social membership in the class or community, but not representing a legal requirement that every child be educated in the same way or in the same place. Terminology is clarified, myths surrounding inclusion are dispelled, and the foundations of inclusion in both law and pedagogy are reviewed. Guidelines for planning for a student's inclusion are discussed briefly, and Pennsylvania's effort to build its capacity for inclusion is discussed. Initiatives pertaining to teacher training, technical assistance, and supplementary aids and services are noted. An inclusion checklist is provided to help schools evaluate their practices relative to inclusion. (PB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 395 400

BECs Basic Education Circulars 2-95
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

Date Issued: January 1995
Replaces: NA

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

SUBJECT: Placement of Special Education Students -- Inclusion Policy

TO: Pennsylvania School Administrators

FROM: Joseph F. Bard
Commissioner for Elementary and Secondary Education

SUMMARY

The term **inclusion** has become common in discussions of the placement of special education students, but the term has no legal definition. The term denotes the "least restrictive environment" rules that have been part of the special education law for close to two decades. The term also connotes an emphasis on active social membership in a class or community, and carries with it a need for teacher training and school district preparation. The term "inclusion" does not represent a legal requirement that every child be educated in the same way or in the same place.

With this working definition in mind, PDE supports inclusion. PDE supports inclusion because it is essentially a restatement of well established law, and because it represents sound educational practice for large numbers of students with disabilities. PDE supports inclusion through personnel training and technical assistance, through the development of local capacity to include students successfully, and through the Department's general supervision of special education in the Commonwealth.

DISCUSSION

A. Quality and Location

Special education is a service, not a place. The purpose of special education parallels the purpose of elementary and secondary education as a whole: to prepare children to lead productive independent lives as citizens and members of an adult community. Exceptional students often need exceptional educational interventions, so that they may eventually lead regular lives to the greatest extent possible. Thus, special education services remain highly valued.

As we strive to maintain and improve the **quality** of special education services, there is increasing emphasis on **where** we provide special education. This is as it should be. The degree of "integration" or "inclusion" is important for two reasons. First, contact with nondisabled peers can have positive social effects both on children with disabilities and on their typical classmates. Second, education with nondisabled peers can have positive learning effects. For many, the result is that children with disabilities learn more in inclusive environments.

EC304791

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
J. Brinkley
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

BEST COPY AVAILABLE

B. Terminology

The terminology surrounding the issue has evolved as it has become part of our popular culture. Terms such as "mainstreaming," "least restrictive environment," "integration," and "inclusion" each have different connotations. As the Department uses it, the term "inclusion" implies more than ensuring the mere physical proximity between students with and without disabilities. It connotes a full participation and equality as part of a group, leading to a sense of belonging within the community at large. Inclusion does not necessarily mean that a student never leaves the class or the group of students of which he or she is a part. It means, rather, that a student is truly a **member** of, not merely a **visitor** to, the class or group. As the Department uses the term, "inclusion" is synonymous with what is sometimes called "supported inclusion," because the term implies that the student and the teacher will receive the supports they need.

The term "full inclusion" is also heard, and is used by some to mean the inclusion of every student with a disability in a regular classroom, without exception. Neither the law nor the Department takes such an absolutist approach. The law requires educators to provide more than a "one size fits all" placement option. In order to ensure that all needs are met, a continuum of placements that vary in their restrictiveness is required. That continuum exists in Pennsylvania; there is a rich enough supply of diverse programs in Pennsylvania that a greater dispersion of sound inclusive or integrative practices does not threaten the loss of alternative placement options.

More to the point is the observation made by many Pennsylvanians that whether a child with a disability is placed in a regular classroom depends in part on the school district in which the family lives. Although examples of successful inclusive practices can be found across the Commonwealth, districts appear to vary in their current capacity to make all of the necessary services available in the regular class room.

Our experience suggests that very similar children are integrated with supports into regular classes in some schools but not in others. While we know that children vary, it is reasonably clear also that the school districts are frequently the controlling variable in deciding whether more integrated or more segregated special education placements will be made. This is not appropriate; in some cases, it is of questionable legality. An uneven distribution of inclusive practices and policies is more important to the Department and to Pennsylvania's families than a theoretical discussion about absolutes that does not sufficiently recognize individual differences.

There are a number of myths or misconceptions concerning inclusion that should be dispelled.

- Inclusion is not a new legal requirement. The legal requirements of inclusion are the "least restrictive environment" requirements that have been in place for close to two decades.

- Inclusion is not a mandate that all children with disabilities be educated solely in the regular classroom. The law still requires that educators have available a continuum of alternative placements to suit diverse needs.

- Inclusion is not designed to save money. Often, inclusion may be less expensive or may equal the cost of alternative placements; but this is neither its purpose nor a necessary result.

- Inclusion is not a dumping of students in a regular class without special supportive services. Special services, referred to in law as "supplementary aids and services," are at least as important to students with disabilities in regular classes, if not more important, than such services are to students with disabilities in segregated settings.

- Inclusion is not a procedure for leaving a regular class room teacher with greater challenges and no increase in resources. The needs of the special education student in an inclusive placement will not decrease, at least in the short run. Therefore, the responsibilities of the regular class room teacher will often increase, thus increasing the need for training, consultation, collaborative planning time, paraprofessionals, and continuous communication between class room teacher and special education specialist. The Department's approach to special education recognizes the need for training both special and regular education teachers, in 22 Pa. Code 342.7(c). For inclusion to work well, it is important for the class room teacher to have regular access to special education specialists and other support staff who can help the teacher devise and deliver the supports and modifications that will permit all of the children in the class to benefit.

- Inclusion does not mean that special education students must have the same curricular goals as all other students. Our expectations for students with disabilities may be higher than has traditionally been the case, but the curriculum and the goals for students with disabilities in the regular classroom can (and often should) be different than the curriculum and goals for other students in the class.

C. Basis in Law

The legal underpinning for what we call inclusion is not new and is essentially unchanged. From a legal perspective, the core of the matter is the set of similar "least restrictive environment" requirements in statutes and regulations at the state and federal level. According to Pennsylvania's regulations and standards, at 22 Pa. Code §342.42(c):

(1) Exceptional students, including students in public or private institutions or other care facilities, shall be educated to the maximum extent appropriate with students who are not exceptional.

(2) The removal of exceptional students from the regular educational environment shall occur only when the nature or intensity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

D. Basis in Sound Educational Practice

The most important limit on the extent to which inclusion is appropriate is the ability of the education profession to plan for a particular child in a regular class. The ability of the profession to succeed with students with disabilities has increased dramatically in recent years. Inevitably, some of us are ahead of others in acquiring the skills and attitudes necessary to succeed with students with disabilities through inclusive practices. The most demanding part of the legal standard, however, is that each school district must become prepared to do what the profession as a whole is capable of doing in the area of inclusion. For example, the Department understands the law as not respecting an argument that "Even if that school district over there can do it, my school district cannot." Nor do the courts permit teachers to refuse to implement an agreed-upon individualized education program.

In the area of inclusion, there is a demanding relationship between law and practice. That is: We in the teaching profession determine, through our actions, the outer limits of what we can practice successfully; but once success in inclusion is achieved somewhere in the profession, the law virtually requires that this increased capacity be replicated throughout the field.

E. The Planning Process

Inclusion frequently requires planning and a reallocation of resources by a school district, but it is not something that must be earned by the student. The "least restrictive environment" rules establish a preference for educating students with disabilities in the regular class. **Consideration of the regular class must be the starting place for any decision-making about the placement of any special education student.** This is both the law of the land and the policy of the Department. This preference creates a rebuttable presumption that the student will be educated in the regular class. The presumption is rebutted only if it is objectively determined that no set of services can feasibly be established to allow the child to succeed in the regular class. The courts have said that, in making this determination, factors such as class disruption, distortion of the curriculum for the class as a whole, and cost can be taken into account. It appears from the court decisions, however, that these factors will override the positive factors relating to the benefit to the child only in relatively rare cases. Thus, the benefits of inclusion to the child with a disability are the primary consideration, but not the only consideration.

An inclusive placement is not dependent on a demonstration or prediction that there will be an incremental or additional benefit from inclusion. A child need not prove his or her way into a regular class or regular school building. Rather, the "benefits" test is simply whether an appropriate education can be provided in the regular environment. **In order to assess whether appropriate educational benefits can be provided in a regular class or other environment, one must look at that environment in two ways: (1) as it is, and (2) as it might be when augmented with supplementary aids and services.** Thus, the fact that a child might not be able to succeed in a class as it is does not mean that inclusion is not feasible. The feasibility of inclusion is to be assessed in light of the services that can be brought to the child. Many services are portable. That is, it is possible to bring them to the child rather than removing the child to the service. Professional judgments as to what services are portable are thus important when considering whether a child is to be included or removed from the regular education environment. Those judgments are to be made, in the first instance, on a case-by-case basis by local school district IEP teams that include the child's parents.

F. Capacity-Building

The phrase "supplementary aids and services" incorporates all of the modifications and innovations of which a school district is reasonably capable. This covers a wide variety of techniques. Implementing these techniques in order to facilitate inclusion is both legally required and desirable. Therefore, it is the policy of the Department to assist school districts and others in building a capacity to implement effective aids, services, and modifications to enable students with disabilities to succeed in regular settings.

The Department recognizes the importance of this capacity-building effort because, as mentioned above, Pennsylvania educators inevitably differ in their acquisition of the skills necessary to make inclusion work for increasing numbers of students. Integration without the necessary teaching skills is of course not the goal. The Department does not believe that mindless, unplanned integration is notably superior to mindless, unplanned segregation. Rather, the Department believes that skilled and thoughtful inclusion for increased numbers of Pennsylvania children with disabilities is both a legal requirement and a proper education goal.

This goal is not beyond our collective reach, but requires a commitment to taking advantage of, and learning from, those who have been successful. To assist in this process, the Department provides technical assistance in a variety of ways to assist local capacity-building for inclusion.

The Instructional Support System of Pennsylvania (ISSP) provides 18 training initiatives to local school districts and intermediate units for personnel development. Several of the initiatives work to create systems change through consultants who provide field-based training directly to school districts. Systems change initiatives include best practices in inclusion, transition to adult life, early intervention, behavior management, instructional support, and higher education. Each of the 29 intermediate units maintains a Statewide Support Initiative (SSI) consisting of at least one staff consultant for each of the systems change initiatives. These IU consultants serve as a support system to the school districts in the continuing implementation of best practices as presented by the systems change initiative. Two initiatives which are directly concerned with inclusion and the provision of education in the least restrictive environment are the Instructional Support Team Project (IST) and the GATEWAYS Project. The focus of IST is to train regular and special educators to provide necessary support to maintain at-risk students within regular education classes and in the least restrictive environment. Every district is mandated in 22 PA Code, Chapter 342.24 to participate in this training by the year 1995. GATEWAYS provides training related to the inclusion of students with disabilities within the regular education environment. Although district participation in GATEWAYS training is not mandated, there are currently 111 districts participating in the intensive, field-based training program. Other initiatives within the ISSP provide training to regular and special education personnel, supplementary services to students and parents, and responses to requests for technical assistance in the implementation of best practices.

The Department is undertaking these initiatives for teacher training and capacity-building because the Department perceives that inclusion is as much about teachers and administrators as it is about students. This kind of effort is also a legal requirement, in federal regulation at 34 CFR §300.555(b). Children do not have to prove that they are "ready" for inclusion; the adults who provide educational and related services in Pennsylvania, however, may have to increase their capacity to use effective techniques for making successful inclusion generally available. From a legal perspective, a lack of teacher training is unlikely to constitute a successful defense in any conflict over inclusion. Teacher training and technical assistance, however, is an important part of the Department's approach to inclusion.

Technical assistance cannot be successful if the recipient does not desire the assistance. Thus, the attitudes of local school boards, school administrators, and teachers will be powerful factors in determining whether we meet our respective legal obligations. The Department seeks a willing partnership with local boards, administrators, and teachers in building our collective capacity to serve children well in their neighborhood schools and regular classrooms. Without a meaningful partnership, the Department's primary mechanism for progress would be limited to monitoring and compliance activities. These activities, however valuable, should not be our primary way of making progress.

G. Conclusion

The courts and the Department want the same things:

- individualized planning using the full potential of the MDT and IEP processes;

- recognition of particular educational, social, and communications needs of individuals and groups (see BEC # 6-92), and a recognition of how natural social interaction and effective communication makes educational achievement more likely;

- a careful analysis of needed services, for the purpose of determining whether those services are sufficiently "portable" to be included as part of a regular class placement;

- organization of schools so that class room teachers have the training and support needed to allow the class room teacher and the students to succeed;

- education in the regular classroom whenever possible, and a full continuum of alternative placements for those cases in which students cannot succeed even in enhanced regular classes; and

- an application of the successful practices already being used by some, across an increasing number of schools and school districts.

To accomplish these goals, and thus to implement the **least restrictive environment** requirements that have long been part of special education law, special education and special educators will continue to be vital, and will evolve as a more unified system of education becomes a reality for more students. A willingness to learn from the successful experiences of others, and a willingness to create one's own success through innovative inclusive programs, will remain crucial. It is the Department's policy to encourage this sense of willingness, and to capitalize on it by fostering the knowledge and the practice of inclusion of students with disabilities in regular settings.

One way for school districts to organize their thinking and planning on this issue, and to assess whether further work is necessary, is to consider the attached "inclusion checklist for your school." We infer from the checklist that its author believes that there are concrete steps that local officials can take to promote inclusion. The Department agrees, and believes that taking such steps is the right thing for Pennsylvania school districts to do, both legally and educationally.

Attachment

REFERENCES

Pa. Code:

22 Pa. Code §§14.41 through 14.45 and 14.56
22 Pa. Code §342.41 through 342.46

Other:

Individuals with Disabilities Education Act, at 20 U.S.C. §§1412 (5) (B) and 1414 (a) (1) (C) (iv)

Federal regulations implementing Part B of the Individuals with Disabilities Education Act, as 34 CFR §§300.550 through 300.556

Oberti v. Clementon School District, 995 F.2d 1204 (3d Cir. 1993)

CONTACT

Loujeania Bost
Division of Technical Assistance
Bureau of Special Education
Pennsylvania Department of Education
(717) 783-6913

AN INCLUSION CHECKLIST FOR YOUR SCHOOL

__ 1. Do we genuinely start from the premise that each child belongs in the classroom he or she would otherwise attend if not disabled (or do we cluster children with disabilities into special groups, classrooms, or schools)?

__ 2. Do we individualize the instructional program for all the children whether or not they are disabled and provide the resources that each child needs to explore individual interests in the school environment (or do we tend to provide the same sorts of services for most children who share the same diagnostic label)?

__ 3. Are we fully committed to maintenance of a caring community that fosters mutual respect and support among staff, parents, and students in which we honestly believe that nondisabled children can benefit from friendships with disabled children and disabled children can benefit from friendships with nondisabled children (or do our practices tacitly tolerate children teasing or isolating some as outcasts)?

__ 4. Have our general educators and special educators integrated their efforts and their resources so that they work together as integral parts of a unified team (or are they isolated in separate rooms or departments with separate supervisors and budgets)?

__ 5. Does our administration create a work climate in which staff are supported as they provide assistance to each other (or are teachers afraid of being presumed to be incompetent if they seek peer collaboration in working with students)?

__ 6. Do we actively encourage the full participation of children with disabilities in the life of our school including co-curricular and extracurricular activities (or do they participate only in the academic portion of the school day)?

__ 7. Are we prepared to alter support systems for students as their needs change through the school year so that they can achieve, experience successes, and feel that they genuinely belong in their school and classes (or do we sometimes provide such limited services to them that the children are set up to fail)?

__ 8. Do we make parents of children with disabilities fully a part of our school community so they also can experience a sense of belonging (or do we give them a separate PTA and different newsletters)?

__ 9. Do we give children with disabilities just as much of the full school curriculum as they can master and modify it as necessary so that they can share elements of these experiences with their classmates (or do we have a separate curriculum for children with disabilities)?

__10. Have we included children with disabilities supportively in as many as possible of the same testing and evaluation experiences as their nondisabled classmates (or do we exclude them from these opportunities while assuming that they cannot benefit from the experiences)?

CONTINUED ON NEXT PAGE

INCLUSION CHECK LIST, CONTINUED

This checklist may help school personnel in evaluating whether their practices are consistent with the best intentions of the inclusion movement. Rate your school with a + for each item where the main statement best describes your school and a 0 for each item where the parenthetical statement better describes your school. Each item marked 0 could serve as the basis for discussion among the staff. Is this an area in which the staff sees need for further development? Viewed in this context, an inclusive school would not be characterized by a particular set of practices as much as by the commitment of its staff to continually develop its capacity to accommodate the full range of individual differences among its learners.

NOTE: The checklist is reproduced from an article by Joy Rogers in the May 1993 Research Bulletin of the Center for Evaluation, Development, and Research, Phi Delta Kappa, Bloomington, Indiana.